IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO.4/2003

1. Smt. Nalini Vyanktesh Sabnis,
2. Kum. Anita Sabnis,
3. Kum. Suchita Sabnis,
4. Shri Rajesh Sabnis,

All residing at House No.654/1
Manaswada, Kundaim, Goa. ..... Appellants.

Vs.

1. Smt. Manikabai Anant Kamat,
resident of Kundaim, Goa.
2. Shri Dharmanand Anant Kamat,
resident of Margao, Goa.
3. Smt. Vijaya Dharmanand Kamat,
resident of Margao, Goa.
4. Shri Shekhar Anant Kamat,
resident of United Kingdom,
5. Shri Santosh Anant Kamat,
resident of Kundaim, Goa.
6. Smt. Manisha Shripad Sukerkar,
7. Shri Shripad Jaywant Sukerkar,
both resident of Bombay,
8. Smt. Sheila Vinayanand Keni,
9. Shri Vinayanand Vassant Keni,
both resident of Cuncoliem,
Bali, respondents 1, 3 to 9
through their constituted attorney
the respondent No.2, resident of
Z-S-6, Junata Housing Society,
Aquem Alto, Margao, Goa. .... Respondents.

Mr. Valmiki Menezes, Advocate for the Appellants.

Mr. Sudin M.S. Usgaonkar, Advocate for the respondents.

CORAM : F.I. REBELLO, J.

DATE : JULY 24, 2003.

ORAL JUDGMENT:

This appeal is against the dismissal of the application for setting aside the ex-parte decree.

Really speaking once the application for condonation was rejected, the trial Court could not have assumed the jurisdiction to decide it on merits. Cause shown seems to be the same reason of non-appearance of the Advocate and failure on the part of the Advocate to communicate the date of hearing to the parties, is unsustainable. The impugned order dated 8.4.2002 is set aside. The suit is restored.

F.I. REBELLO, J.

ssm.